

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

True the Vote, Jane Coln, Brandie Correro, §
Chad Higdon, Jennifer Higdon, Gene §
Hopkins, Frederick Lee Jenkins, Mary §
Jenkins, Tavish Kelly, Donna Knezevich, §
Joseph Knezevich, Doris Lee, Lauren Lynch, §
Norma Mackey, Roy Nicholson, Mark §
Patrick, Julie Patrick, Paul Patrick, David §
Phillely, Grant Sowell, Sybil Tribble, Laura §
VanOverschelde, and Elaine Vechorik §

Plaintiffs, §

v. §

The Honorable Delbert Hosemann, in his §
official capacity as Secretary of State for the §
State of Mississippi, The Republican Party of §
Mississippi, Copiah County, Mississippi §
Election Commission, Hinds County, §
Mississippi Election Commission, Jefferson §
Davis County, Mississippi Election §
Commission, Lauderdale County, §
Mississippi Election Commission, Leake §
County, Mississippi Election Commission, §
Madison County, Mississippi Election §
Commission, Rankin County, Mississippi §
Election Commission, Simpson County, §
Mississippi Election Commission, and Yazoo §
County, Mississippi Election Commission §

Defendants. §

Cause No. 3:14-cv-00532-HTW-LRA

**APPENDIX – VOLUME 1 TO BILL OF PARTICULARS
EXHIBIT 1-10**

EXHIBIT	DESCRIPTION
1	Letter dated July 6, 2014 by Ms. Engelbrecht to Cochran Campaign

2	Letter dated July 6, 2014 by Ms. Engelbrecht to Mississippi Democratic Campaign
3	Letter dated July 6, 2014 by Ms. Engelbrecht to McDaniel Campaign
4	Letter dated July 6, 2014 by Ms. Engelbrecht to Mississippi Republican Party
5	"Incident Report" by Ms. Webb, dated July 7, 2014 (pertaining to Copiah County)
6	Written request by Melinda Kinley, filed with Circuit Clerk July 7, 2014
7	Declaration of Mike Rowley
8	"Incident Report" by John and Karen Hobson, dated July 7, 2014 (pertaining to Lauderdale County request)
9	"Incident Report" by Ms. Swenson, dated July 7, 2014 (pertaining to Leake County request)
10	"Incident Report" by Ms. Morse, dated July 7, 2014 (pertaining to Leake County request)

Respectfully submitted,

/s/ L. Eades Hogue

Joseph M. Nixon – *pro hac vice*
Texas State Bar No. 15244800
jnixon@bmpllp.com
Kristen W. McDanald – *pro hac vice*
Texas State Bar No. 24066280
kmcdanald@bmpllp.com
Kelly H. Leonard – *pro hac vice*
Texas State Bar No. 24078703
kleonard@bmpllp.com
BEIRNE, MAYNARD & PARSONS, LLP
1300 Post Oak Blvd, Suite 2500
Houston, Texas 77056
(713) 623-0887 Tel.
(713) 960-1527 Fax

James E. "Trey" Trainor, III. – *pro hac vice*
Texas State Bar No. 24042052
ttrainor@bmpllp.com
BEIRNE, MAYNARD & PARSONS, LLP
401 W. 15th Street, Suite 845
Austin, TX 78701
(512) 623-6700 Tel.
(512) 623-6701 Fax

L. Eades Hogue
Mississippi State Bar No. 2498
Louisiana State Bar No. 1960
ehogue@bmpllp.com
BEIRNE, MAYNARD & PARSONS, LLP
Pan-American Life Center
601 Poydras Street
Suite 2200
New Orleans, LA 70130
(504) 586-1241 Tel.
(504) 584-9142 Fax
Lead Counsel

Counsel for Plaintiffs

EXHIBIT 1



TRUE *the* VOTE

July 6, 2014

Mr. Mark Garriga,
Senator Thad Cochran Campaign. Lead Counsel
Fax: 601.985.4500
Email: mark.garriga@butlersnow.com

Dear Mr. Garriga -

I am contacting you on behalf of True the Vote, an IRS-designated 501(c)(3) voters' rights and election integrity organization founded to equip citizens across the nation to help protect the rights of legitimate voters, regardless of their political party affiliation. Our programs focus on voter education and registration, recruiting and training polling place volunteers, researching the veracity of voter rolls, and assisting in many other crucial electoral process related efforts.

Over the next few days, True the Vote will be working with citizen-volunteers across Mississippi to conduct a forensic audit of publicly available election documents used in the June 24th Republican Senate Primary Runoff Election.

If you would like more information about True the Vote or if you would like True the Vote to provide training for your volunteers, please do not hesitate to contact me at the address shown below or by phone at 713.401.3550.

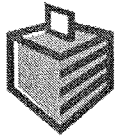
Thank you for your leadership, your commitment to election integrity, and your consideration of True the Vote. We hope to hear from you soon.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Engelbrecht', with a stylized flourish at the end.

Catherine Engelbrecht
President, True the Vote

EXHIBIT 2



TRUE *the* VOTE

July 6, 2014

Mr. Mitch Tyner
Senator Chris McDaniel Campaign, Lead Counsel
Fax: 601.957.6554
Email: mtyner@tynerlawfirm.com

Dear Mr. Tyner -

I am contacting you on behalf of True the Vote, an IRS-designated 501(c)(3) voters' rights and election integrity organization founded to equip citizens across the nation to help protect the rights of legitimate voters, regardless of their political party affiliation. Our programs focus on voter education and registration, recruiting and training polling place volunteers, researching the veracity of voter rolls, and assisting in many other crucial electoral process related efforts.

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Thank you for your leadership, your commitment to election integrity, and your consideration of True the Vote. We hope to hear from you soon.

Sincerely,



Catherine Engelbrecht
President, True the Vote

EXHIBIT 3



TRUE *the* VOTE

July 6, 2014

Mississippi Republican Party
Mr. Joe Nosef, State Chairperson
Fax: 601.354.0972
Email: jnosef@watkinseager.com

Dear Mr. Nosef -

I am contacting you on behalf of True the Vote, an IRS-designated 501(c)(3) voters' rights and election integrity organization founded to equip citizens across the nation to help protect the rights of legitimate voters, regardless of their political party affiliation. Our programs focus on voter education and registration, recruiting and training polling place volunteers, researching the veracity of voter rolls, and assisting in many other crucial electoral process related efforts.

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If you would like more information about True the Vote or if you would like True the Vote to provide training for your volunteers, please do not hesitate to contact me at the address shown below or by phone at 713.401.3550.

Thank you for your leadership, your commitment to election integrity, and your consideration of True the Vote. We hope to hear from you soon.

Sincerely,



Catherine Engelbrecht
President, True the Vote

EXHIBIT 4



TRUE *the* VOTE

July 6, 2014

Mississippi Democrat Party

Mr. Rickey Cole, State Chairperson

Fax: 601.354.1599

Email: rcole@mississippidemocrats.org

Dear Mr. Cole -

I am contacting you on behalf of True the Vote, an IRS-designated 501(c)(3) voters' rights and election integrity organization founded to equip citizens across the nation to help protect the rights of legitimate voters, regardless of their political party affiliation. Our programs focus on voter education and registration, recruiting and training polling place volunteers, researching the veracity of voter rolls, and assisting in many other crucial electoral process related efforts.

Over the next few days, True the Vote will be working with citizen-volunteers across Mississippi to conduct a forensic audit of publicly available election documents used in the June 24th Republican Senate Primary Runoff Election.

If you would like more information about True the Vote or if you would like True the Vote to provide training for your volunteers, please do not hesitate to contact me at the address shown below or by phone at 713.401.3550 .

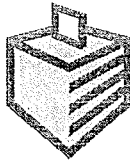
Thank you for your leadership, your commitment to election integrity, and your consideration of True the Vote. We hope to hear from you soon.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Engelbrecht'.

Catherine Engelbrecht
President, True the Vote

EXHIBIT 5



TRUE *the* VOTE

INCIDENT REPORT

NAME JEANNE WEBB

DATE 7-7-2014

Please complete the fields below using the notes from your activities as a poll watcher.

PRECINCT/WARD # NA

POLLING PLACE NAME Copiah County Circuit Clerk

ADDRESS 100 Caldwell Dr., Hazlehurst, Ms 39083

CITY Hazlehurst

STATE Ms

ZIP 39083

COUNTY Copiah

Please complete the fields below using your notes.

POLL SUPERVISOR Circuit Clerk of Edna E Stevens

ASST POLL SUPERVISOR NA Deputy Wanda

CLERK 1 NAME NA

CLERK 2 NAME NA

CLERK 3 NAME NA

CLERK 4 NAME NA

OFFENDER POSITION

DATE/TIME OF INCIDENT 7/7/14 approx 3:45P

Continue to Second Page



TRUE *the* VOTE

TYPE OF INCIDENT	DENIAL of Access of June 2014 Election Absentee Ballots and Poll Books
DESCRIPTION OF INCIDENT	<p>@ approx 3:45 pm on 7/7/14 arrived at Copley County Court House. I spoke with Circuit Clerk Edna E. Stevens. I advised her I was a private individual and would like to review the Absentee Ballots of the June 24th Special Election. I was advised there was a group who was there who had just reviewed the ballots, she had just sealed the box and was not sure if she could unseal the box, there might be a possible time frame involved. She stated she had to call the Secretary of State to find out, but was tied up with the group reviewing the Poll Books and needed to be there to redact the DOB. She stated I could leave a Public Information Request of Need Material and she</p>

Continued

REMEDY OR ACTION TAKEN	<p>would call me tomorrow or I could call her. Edna also quoted statute 23-15-911 and stated she needed to contact the Secretary of State to verify if we could review the absentee ballots & poll books.</p> <p>attachment: (2) paper handwritten public ^{Information} Request</p>
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I certify and affirm that the above information is true and correct.

SIGNATURE	Jeanne M. Webb 7/7/2014
------------------	-------------------------

Mail To:

True the Vote
P.O. Box 27378
Houston, Texas 77227

Send Mail E-mail to:
info@truethevote.org

To : Edna E. Stevens
Copia County
Circuit Clerk of Court

(A) 3:45p
(D) 4:20p

FROM JEANNE WEBB
(C) (813) 373-4988

RE: Public Information Request;
Regarding June 3rd Primary Election
&
June 24th Runoff Election.

I am ~~(JW)~~ a private citizen, I am requesting
~~the below listed items as a Public Information~~
Request.

Please Advise me when items will be available and
any expense incurred. Thank you.

~~(JW)~~

The following in Electronic File Format (preferably Excel)
if available ~~(JW)~~ please email to taylor.phillips.1@gmail.com

#1 June 3rd Primary (By Precinct)

(A) List of ALL Republican Voters who voted by Precinct
- In Person on Election Day
- Via absentee ballot

~~(JW)~~ (B) List of all DEMOCRATIC Voters who voted by Precinct
- In Person on Election Day
- Via Absentee Ballot

Public Information Request (cont...) p2-2

#2. Electronic File from the June 24th 2014 Runoff
(By Precinct)

(A) List of all Republican Voters who voted by Precinct
- in person on Election Day
- via absentee ballot

(B) List of all Democratic Voters who voted by
Precinct
- in person on Election Day
- via absentee ballot

#3 We would like to inspect the following
from the June 24th Runoff?

- (A) Absentee Ballot Applications
- (B) Absentee Ballot Request Forms
- (C) Absentee Ballot Envelopes
- (D) Poll Books

Thank you.

Jeanne M. Wick

bucksmaster10@tampabay.rr.com

cell: (813) 373-4988



Edna E. Stevens
Copeiah County
Circuit Clerk

P. O. Box 467
Hazlehurst, MS 39083

Phone: 601-894-1241

EXHIBIT 6

Open / Public Records Request

Run Off Election - July 7, 2014
Cochran / McDaniel
As of June 24, 2014

Please provide the following
from the June 24th, 2014 Run-Off

- 1.) Absentee Ballot Application
- 2.) Absentee Ballot Request Forms
- 3.) Absentee Ballot Envelopes
- 4.) Poll Books

Thank you so much!
Melinda Kinty

FILED

JUL - 7 2014

BARBARA DUNN, CIRCUIT CLERK
BY  D.C.

HINDS

EXHIBIT 7

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

True the Vote, Jane Coln, Brandie Correro, §
Chad Higdon, Jennifer Higdon, Gene §
Hopkins, Frederick Lee Jenkins, Mary §
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Joseph Knezevich, Doris Lee, Lauren Lynch, §
Norma Mackey, Roy Nicholson, Mark §
Patrick, Julie Patrick, Paul Patrick, David §
Phillee, Grant Sowell, Sybil Tribble, Laura §
VanOvershelde, and Elaine Vechorik §

Plaintiffs, §

v. §

Cause No. 3:14-cv-00532-HTW-LRA

The Honorable Delbert Hosemann, in his §
official capacity as Secretary of State for the §
State of Mississippi, The Republican Party of §
Mississippi, Copiah County, Mississippi §
Election Commission, Hinds County, §
Mississippi Election Commission, Jefferson §
Davis County, Mississippi Election §
Commission, Lauderdale County, §
Mississippi Election Commission, Leake §
County, Mississippi Election Commission, §
Madison County, Mississippi Election §
Commission, Rankin County, Mississippi §
Election Commission, Simpson County, §
Mississippi Election Commission, and Yazoo §
County, Mississippi Election Commission §

Defendants.

DECLARATION

By: Mike Rowley

1. I, Mike Rowley, verify under penalty of perjury under the laws of the United States of America that the following is true and correct. *See* 28 U.S.C. § 1746.

2. In the days following the June 24 Republican Primary Run-Off Election, I was part of a group of True the Vote volunteers who requested access to voting poll books from Rankin County's Circuit Clerk, Becky Boyd and the Circuit Clerks of Simpson and Jefferson Davis Counties. The purpose of the request was

to determine whether or not voters who had voted in the Democratic Primary unlawfully double voted in the Republican Primary Run-Off Election and whether any other irregularities had occurred during the Election.

3. The group made an oral request for the records in person at Ms. Boyd's office on July 7, 2014.

4. Ms. Boyd informed our volunteer group that she could not and would not permit us to access and inspect the voter poll books because the books contained information deemed by the Secretary of State to be confidential.

5. Ms. Boyd later offered that she could only allow inspection of the poll books by the public if the dates of birth corresponding to each voter were redacted. She instructed that we had to pay for the cost of redaction.

6. Based on Ms. Boyd's instructions, I was unable to access or inspect the voter poll books within Rankin County.

7. I was also part of a volunteer group that made an oral request for records of Simpson and Jefferson Davis Counties on July 7, 2014.

8. As with our request of Rankin County, we requested records from the offices of the Circuit Clerks. The Simpson County Clerks office initially advised us that they would permit inspection and viewing of voter poll books but the members of the McDaniel campaign were viewing them and did not want us present. The Jefferson Davis County Clerks office would not allow us access based on an email from the Secretary of State stating only those affiliated with the campaigns could view the material. Both Clerks' offices later advised the records would be made available provided voter birth dates were redacted from such records.

10. Based on these instructions, I was unable to access or inspect the voter poll books within Simpson and Jefferson Davis Counties.

11. Further, declarant sayeth not.

Signed on this the 16 day of July, 2014.


Mike Rowley

EXHIBIT 8



TRUE the VOTE

INCIDENT REPORT

NAME John & Karen Hobson

DATE 7/7/14

Please complete the fields below using the notes from your activities as a poll watcher.

county Lauderdale

PRECINCT/WARD #:

POLLING PLACE NAME

ADDRESS 400 Constitution

CITY Meridian **STATE** MS **ZIP** 39301

COUNTY Lauderdale

Please complete the fields below using your notes.

POLL SUPERVISOR Wallace Heggie
ELECTION COMMISSIONER, DISTRICT ONE

ASST POLL SUPERVISOR Election Commissioner, DISTRICT unknown - Awan

CLERK 1 NAME office clerical staff- **CLERK 2 NAME**

CLERK 3 NAME **CLERK 4 NAME**

OFFENDER POSITION

DATE/TIME OF INCIDENT: 7/7/14 @ 11:45 AM

Continue to Second Page



TRUE the VOTE

Republican June 24th Senate Runoff

TYPE OF INCIDENT Refused Access ~~from~~^{to} Absentee Ballots from

DESCRIPTION OF INCIDENT

- Requested Access to review absentee ballots & envelopes
- Refused access after providing attny. memo to Wallace
- Refusal based on MS code of 1972, ~~re~~ revised 23-15-91 (2013)
#1 - allows "any candidate of his representative authorized in writing ... shall have the right to full examination"
- Note: Awana & McDaniel reps. were allowed access to election materials.

REMEDY OR ACTION TAKEN

- Reported via phone to Command Center @ Noon
- Continue to pursue electronic records request with district clerk

I certify and affirm that the above information is true and correct

SIGNATURE

John Lobson Karen Salvo

Mail To:

True the Vote
P.O. Box 27378
Houston, Texas 77227

Scan and E-mail to:
info@truethevote.org

FOCUS™ Terms

Search Within Original Results (1 - 1)



Advanced...

View Tutorial

View Full

1 of 1

Return to Results | Book Browse

Miss. Code Ann. § 23-15-911 (Copy w/ Cite)

Pages: 2

Miss. Code Ann. § 23-15-911

MISSISSIPPI CODE of 1972

*** Current through the 2013 Regular Session and 1st and 2nd Extraordinary Sessions ***

TITLE 23. ELECTIONS
CHAPTER 15. MISSISSIPPI ELECTION CODE
ARTICLE 29. ELECTION CONTESTS
A. GENERAL PROVISIONS

Miss. Code Ann. § 23-15-911 (2013)

§ 23-15-911. Control of ballot boxes and their contents after general or primary elections; examinations by candidates or their representatives

(1) When the returns for a box and the contents of the ballot box and the conduct of the election thereat have been canvassed and reviewed by the county election commission in the case of general elections or the county executive committee in the case of primary elections, all the contents of the box required to be placed and sealed in the ballot box by the managers shall be replaced therein by the election commission or executive committee, as the case may be, and the box shall be forthwith resealed and delivered to the circuit clerk, who shall safely keep and secure the same against any tampering therewith. At any time within twelve (12) days after the canvass and examination of the box and its contents by the election commission or executive committee, as the case may be, any candidate or his representative authorized in writing by him shall have the right of full examination of said box and its contents upon three (3) days' notice of his application therefor served upon the opposing candidate or candidates, or upon any member of their family over the age of eighteen (18) years, which examination shall be conducted in the presence of the circuit clerk or his deputy who shall be charged with the duty to see that none of the contents of the box are removed from the presence of the clerk or in any way tampered with. Upon the completion of said examination the box shall be resealed with all its contents as theretofore. And if any contest or complaint before the court shall arise over said box, it shall be kept intact and sealed until the court hearing and another ballot box, if necessary, shall be furnished for the precinct involved.

(2) The provisions of this section allowing the examination of ballot boxes shall apply in the case of an election contest regarding the seat of a member of the State Legislature. In such a case, the results of the examination shall be reported by the applicable circuit clerk to the Clerk of the House of Representatives or the Secretary of the Senate, as the case may be.

HISTORY: SOURCES: Derived from 1972 Code § 23-3-23 [Codes, 1942, § 3169; Laws, 1935, ch. 19; repealed by Laws, 1986, ch. 495, § 333]; en, Laws, 1986, ch. 495, § 279; Laws, 1987, ch. 499, § 10; Laws, 2000, ch. 450, § 4, eff from and after August 7, 2000 (the date the United States Attorney General Interposed no objection under Section 5 of the Voting Rights Act of 1965 to the amendment of this section).

View Full

1 of 1

Return to Results | Book Browse

Wallace Heggie

LAUDERDALE COUNTY, MISSISSIPPI
ELECTION COMMISSIONER, DISTRICT ONE

First Floor
500 Constitution Avenue
Meridian, MS 39301
wheggie@lauderdalecounty.org

P.O. Box 1005
Meridian, MS 39302-1005
Office: (601) 484-3981
Cell: (601) 917-1020
Fax: (601) 482-9734

Wallace Heggie
LAUDERDALE COUNTY, MISSISSIPPI
ELECTION COMMISSIONER, DISTRICT ONE

First Floor	P.O. Box 1005
500 Constitution Avenue	Meridian, MS 39302-1005
Meridian, MS 39301	Office: (601) 484-3981
wheggie@lauderdalecounty.org	Cell: (601) 917-1020
	Fax: (601) 482-9734

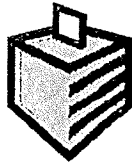


DONNA JILL JOHNSON

Lauderdale County
Circuit Clerk

P.O. Box 1005	Phone: 601.482.9731
Meridian, MS 39302-1005	Fax: 601.482.9734
circuitclerk@lauderdalecounty.org	Cell: 601.479.2626

EXHIBIT 9



TRUE *the* VOTE

INCIDENT REPORT

NAME Ellen Swensen

DATE July 7, 2014

Witness: Susan Morse

Please complete the fields below using the notes from your activities as a poll watcher.

PRECINCT/WARD # n/a

POLLING PLACE NAME Leake County, MS Circuit Court

ADDRESS 101 Court Square

CITY Carthage

STATE MS

ZIP 39051

COUNTY Leake

Please complete the fields below using your notes.

POLL SUPERVISOR Leake Co Circuit Clerk: Kathy G. Henderson

ASST POLL SUPERVISOR n/a

CLERK 1 NAME n/a

CLERK 2 NAME n/a

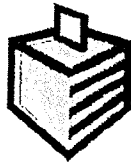
CLERK 3 NAME n/a

CLERK 4 NAME n/a

OFFENDER POSITION

DATE/TIME OF INCIDENT 7/7/2014 11:00 am - 1:10 pm

EXHIBIT 10



TRUE *the* VOTE

INCIDENT REPORT

NAME Susan Morse

DATE July 7, 2014

Please complete the fields below using the notes from your activities as a poll watcher

PRECINCT/WARD #

POLLING PLACE NAME Leake County Circuit Court, Mississippi

ADDRESS 101 Court Square

CITY Carthage

STATE MS

ZIP 39651

COUNTY Leake

Please complete the fields below using your notes.

POLL SUPERVISOR Leake Co. Circuit Clerk, Kathy D. Henderson

ASST POLL SUPERVISOR n/a

CLERK 1 NAME n/a

CLERK 2 NAME n/a

CLERK 3 NAME n/a

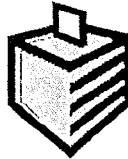
CLERK 4 NAME n/a

OFFENDER POSITION n/a

DATE/TIME OF INCIDENT July 7, 2014

Continue to Second Page

July 7, 48, 2011



TRUE the VOTE

TYPE OF INCIDENT

Request for AG opinion in writing.

DESCRIPTION OF INCIDENT

at 4:15 p.m. I went back into Clerk's office & ask Ms. Henderson for a writing of A.G.'s opinion refusing us to inspect the Ballot Box documents & poll books. She said you want something in writing? I told her yes I did & she could write it for us & state what the A.G. told her to tell us. She responded & said, I'm not writing that, but I'll ask the AG to write it for you. But if you are asking for a written opinion letter that could take along time. Let me see if I can get something for you.

REMEDY OR ACTION TAKEN

1/8/14 (letter msg.)
 Later she called me & said she was de-trying the AG issue & she would give me a number to call him myself if I wanted to.
 I did not call her back as I rec'd the msg. late in the afternoon of 5 p.m.

I certify and affirm that the above information is true and correct.

SIGNATURE

Susan Moore

Mail To:

True the Vote
 P.O. Box 27378
 Houston, Texas 77227

Scan and E-mail to:
 info@truethevote.org

Public Records Request

July 7, 2014

To: Leake County, Circuit Court, Mississippi

From: Susan Morse, Inmate Vote, Citizen

Re: Request for Public Records as follows:

1. Lists of all Republican Voters who voted in the June 3, 2014 primary, by precinct

- in person on election day
- via absentee ballot

2. Lists of all Democrat Voters who voted in the June 3, 2014 primary, by precinct

- in person on election day
- via absentee ballot

3. Lists of all Democrat Voters who voted in the June 24th, 2014 Runoff, by precinct

- in person on election day
- via absentee ballot

4. Lists of all Republican Voters who voted in the June 24th runoff, by precinct

- in person on election day
- via absentee ballot

Public Records Request - Pg 2

July 7, 2014

Format -

Please provide the above requested lists/
documents in #1-4 above as follows:

- non PDF format (Excel, preferred)
- Emailed to taylor@truethevote.org

For questions: Contact vpullen@entouch.net
or you can reach ^{Susan Morse} ~~me~~ at (408) 482-4663

Susan Morse
July 7, 2014